## UNITED STATES DISTRICT COURT DISTRICT OF SOUTH CAROLINA

Timothy Johnson,		) C/A No. 5:18-cv-683-DCC-KDW
	Petitioner,	) ) REPORT AND RECOMMENDATION
		) REPORT AND RECOMMENDATION
v.		)
		)
Aaron S. Joyner,		)
	Respondent.	
		)

Petitioner, proceeding pro se and *in forma pauperis*, brought this action seeking habeas corpus relief under 28 U.S.C. § 2254. Respondent filed a Motion for Summary Judgment on June 7, 2019. ECF No. 40. As Petitioner is proceeding pro se, the court entered an order on June 7, 2019, pursuant to *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975), advising Petitioner of the importance of a motion for summary judgment and of the need for him to file an adequate response. ECF No. 41. Petitioner was informed that his response was due by July 11, 2019 (plus three mailing days), and was specifically advised that if he failed to respond adequately, Respondent's motion may be granted, thereby ending his case.

On July 24, 2019, the court ordered Petitioner to advise, by August 14, 2019 (plus three mailing days), whether he wished to continue with his case. ECF No. 51. Petitioner has filed no response. As such, it appears to the court that he does not oppose the motion and wishes to abandon this action. Based on the foregoing, the undersigned recommends this action be dismissed with prejudice for failure to prosecute. *See Davis v. Williams*, 588 F.2d 69, 70 (4th Cir. 1978); Fed. R. Civ. P. 41(b).

## IT IS SO RECOMMENDED.

August 22, 2019 Florence, South Carolina Kaymani D. West
United States Magistrate Judge

The parties are directed to note the important information in the attached "Notice of Right to File Objections to Report and Recommendation."